

RESOLUTION NO. 11-95

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA MAKING CERTAIN FINDINGS; DESIGNATING CERTAIN PROPERTY WITHIN THE CITY OF HIALEAH AT 1350 WEST 49 STREET (FOLIO NO. 04-3002-003-0016) AS A BROWNFIELD AREA PURSUANT TO THE BROWNFIELD REDEVELOPMENT ACT, FOR THE PURPOSES OF ENVIRONMENTAL AND ECONOMIC DEVELOPMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Sections 376.77-376.85, Florida Statutes, as amended from time to time, (the “Brownfield Redevelopment Act” or the “Act”) authorizes and provides for designation by resolution, at the request of the property owner or one that controls the property, of certain lands as a “Brownfield Area”, and for the corresponding provision of environmental remediation, rehabilitation and economic development for such areas; and

WHEREAS, Florida SE, Inc. has requested that the property that it controls located at 1350 West 49 Street (Folio No. 04-3002-003-001(6)), within the City of Hialeah, and which is depicted on Exhibit A and legally described in Exhibit B (hereinafter referred to as the “Florida SE, Inc. Site”), both attached hereto and incorporated by reference, to be designated as a Brownfield Area; and

WHEREAS, on August 12, 2011, a community meeting and public hearing was held to provide an opportunity for public input on the size of the area, the objectives for rehabilitation, job opportunities, economic developments anticipated, neighborhood residents’ considerations, and other relevant concerns; and

WHEREAS, the City Council of the City of Hialeah has reviewed the requirements for designation set forth in Section 376.80(2)(b), Florida Statutes, and based on the representations of Florida SE, Inc., has determined that the Florida SE, Inc. Site qualifies for designation as a “Brownfield Area” because the following requirements have been satisfied:

1. Florida SE, Inc. controls the Florida SE, Inc. Site, has requested the designation, and has agreed to rehabilitate and redevelop the Brownfield site.
2. The rehabilitation and redevelopment of the Florida SE, Inc. Site will result in economic productivity in the area and the creation of at least 10 new permanent, full-time equivalent jobs not associated with the rehabilitation or redevelopment activities.

3. The redevelopment of the Florida SE, Inc. Site is consistent with the City of Hialeah's Comprehensive Plan and is a permissible use under the City of Hialeah's Zoning Code and Land Development Code.

4. Proper notice of the proposed rehabilitation of the Florida SE, Inc. Site has been provided to neighbors and nearby residents, and the Florida SE, Inc. Site has provided those receiving notice the opportunity to provide comments and suggests regarding the rehabilitation.

5. Florida SE, Inc. has provided reasonable assurance that it has sufficient financial resources to implement and complete a rehabilitation agreement and redevelopment plan.

WHEREAS, the City of Hialeah desires to notify the Florida Department of Environmental Protection of this resolution designating the Florida SE, Inc. Site a Brownfield Area, for remediation, rehabilitation and economic development for the purposes set forth in the Act; and

WHEREAS, the City of Hialeah also desires to notify the Florida Department of Environmental Protection that Florida SE, Inc. is the person responsible for the Brownfield site rehabilitation for purposes of Sections 376.77 et seq., Florida Statutes pursuant to Section 376.80(1)-(3), Florida Statutes; and

WHEREAS, the applicable procedures set forth and notice as set forth in Sections 376.80 and 166.041, Florida Statutes, have been followed.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1. **Findings.** The City Council, acting as the governing body of the City of Hialeah, finds the preamble, as set forth above, to be true and correct.

Section 2. **Brownfield Criteria.** Florida SE, Inc. and Florida SE, Inc. Site satisfy the criteria set forth in Section 386.80(2)(b), Florida Statutes, for designation of a Brownfield Area.

Section 3. **Designation.** According to the Brownfield Redevelopment Act, the property as described and depicted in Exhibits A and B is hereby designated a Brownfield Area. This area shall be referred to as the Florida SE, Inc. Site. The

designation of the Brownfield Area by this Resolution does not, by itself, render the City of Hialeah responsible for the costs and liabilities associated with site remediation, economic development, or source removal, as those terms are defined in the Act, unless the City of Hialeah by and through City Council specifically designates itself as a responsible person pursuant to Section 376.80(3), Florida Statutes.

Section 4. **Person Responsible.** Florida SE, Inc shall be the person responsible for Brownfield site rehabilitation” pursuant to Section 376.80(2)-(3), Florida Statutes.

Section 5. **Notification.** The City Council shall notify the Florida Department of Environmental Protection in writing and provide a copy of this Resolution setting forth the designation of the Florida SE, Inc. Site as a Brownfield Area. The City of Hialeah shall also notify the Florida Department of Environmental Protection that Florida SE, Inc. shall be the person responsible for Brownfield site rehabilitation for purposes of Sections 376.77-376.85, Florida Statutes.

Section 5. **Effective Date.**

This resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the

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Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

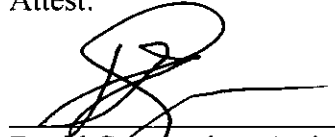
PASSED AND ADOPTED this 13th day of September, 2011.



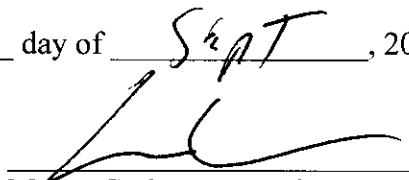
Isis Garcia-Martinez
Council President

Attest:

Approved on this 14 day of Sept, 2011.

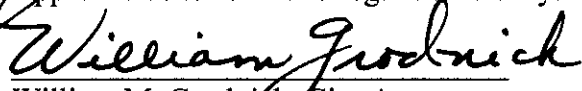


David Concepcion, Acting City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

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Resolution was adopted by a unanimous vote with Councilmembers.
Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez,
Hernandez and Yedra voting "Yes".

EXHIBIT A

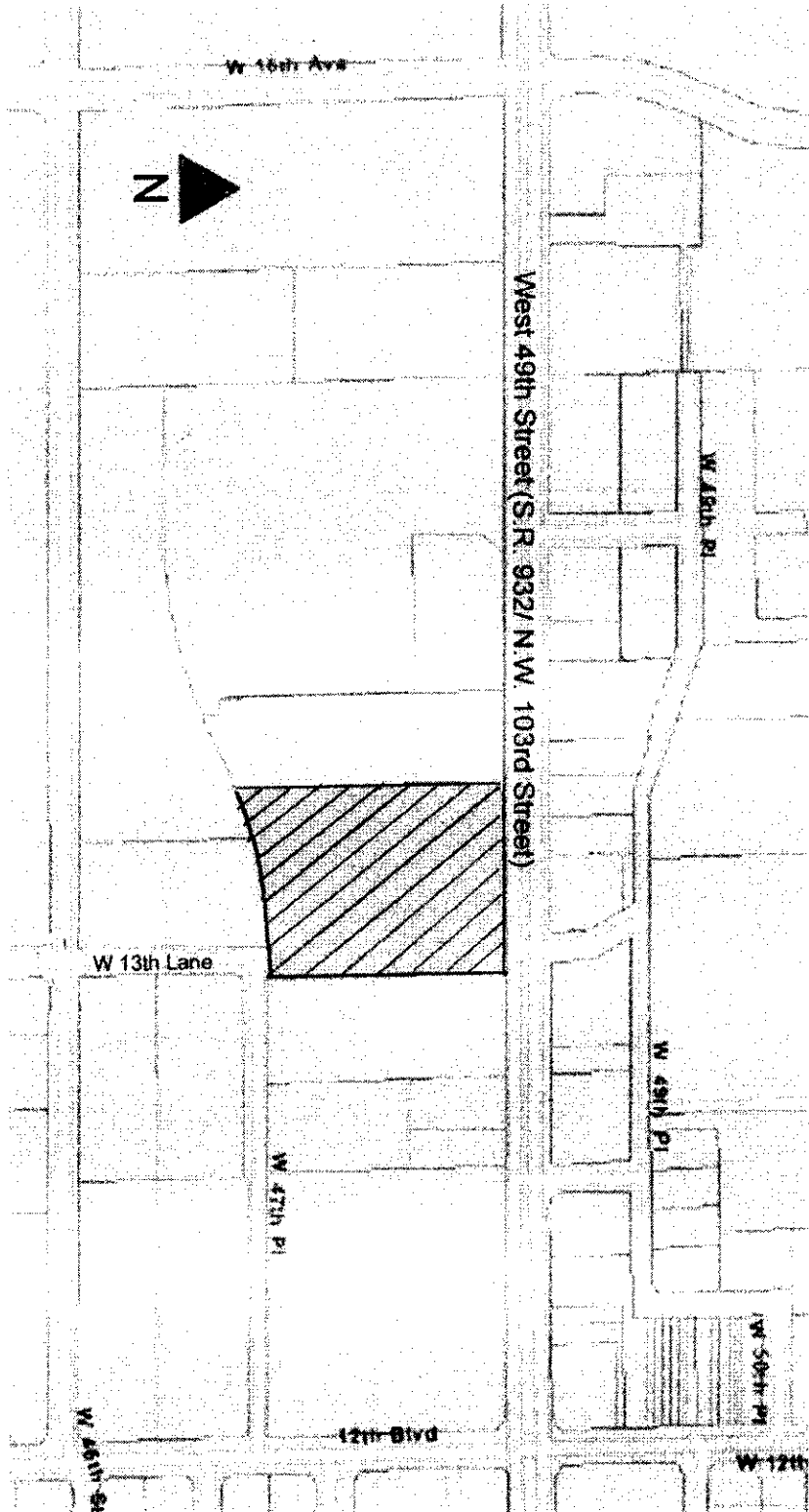


EXHIBIT B

Legal description:

A portion of the North 1/2 of the North 1/2 of Section 2, Township 53 South, Range 40 East and a portion of Tract "A" of Replat of ROSELAWN, as recorded in Plat Book 50, at Page 99, of the Public Records of Miami—Dade County, Florida. More Particularly Described as follows:

Begin at a point 1207.23 feet South of, as measured at right angles to the North line of Section 2, and 909.75 feet West of, as measured at right angles to the East line of said Section 2; thence South $1^{\circ}21'35''$ East parallel to the East line of said Section 2, for 500 feet; thence West, parallel to the North line for .83 feet to a point of curvature; thence Westerly along the arc of a circular curve concave to the South, having a radius of 900 feet and a central angle of $24^{\circ}25'58''$, for an arc distance of 383.79 feet to a point; thence North $1^{\circ}21'35''$ West, parallel to the East line of said Section 2 for 580.62 feet to a point lying 1207.23 feet South of the North line of said Section 2, thence East parallel to the North line of said Section for 375.00 feet to the Point of Beginning.

Tax folio: 04-3002-003-0016